

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO. 1:21-cr-00007-JRS-MJD
)	
DANIEL HOWARD,)	
)	
Defendant.)	

MOTION FOR PRELIMINARY ORDER OF FORFEITURE

The United States of America, by counsel, John E. Childress, Acting United States Attorney for the Southern District of Indiana, and Kristina Korobov, Assistant United States Attorney, respectfully moves for a Preliminary Order of Forfeiture in the above cause of action, and in support thereof presents to the Court the following facts:

1. On January 8, 2021, an Information was filed charging the Defendant, Daniel Howard with Receipt of Visual Depictions of Minors Engaged in Sexually Explicit Conduct, in violation of 18 U.S.C. § 2252(a)(2) (Count One). Dkt. 22.

2. The Information notified the Defendant Pursuant to Title 18 U.S.C. § 2251, if convicted of the offenses set forth in Count One of this Information, the Defendant shall forfeit to the United States:

a. any visual depictions described in Title 18, United States Code, Sections 2251, 2251A, or 2252, 2252A, 2252B, or 2260, and any book, magazine, periodical, film, videotape, or other matter which contains any such visual depictions, which were produced, transported, mailed, shipped, or received in violation of Title 18, United States Code, Chapter 110;

b. any property, real or personal, used or intended to be used to commit or to promote the commission of the offenses of which the Defendant is convicted, or any property traceable to such property, such as all computers, storage media, cameras and electronic equipment taken from her person or residence by law enforcement officers during the investigation of these offenses. It also includes any property, real or personal, constituting, or traceable to gross profits of other proceeds derived from said offenses. Dkt. 22.

3. On January 8, 2021, a Petition to Enter Plea of Guilty and Plea Agreement was filed wherein the Defendant agreed to plead guilty to Counts One, charged against him in the Information. Dkt. 27.

4. As part of the plea agreement, the Defendant admitted that the property listed below constitutes contraband, was used to facilitate, or constitutes the fruits of the commission of the offense to which the Defendant is pleading guilty, and, therefore, is subject to forfeiture to the United States. The Defendant abandoned all right, title, and interest in the property listed below so that proper disposition, including destruction, may be made thereof by federal, state, or local law enforcement agencies involved in the investigation of the Defendant's criminal activity, without further notice or obligation whatsoever owing to the Defendant. The Defendant further agreed not to contest any forfeiture action brought against any of the property listed below, whether any such forfeiture action is administrative, judicial, civil, or criminal, and agreed not to contest any use or destruction of any such property by any federal, state, or local law enforcement agency. The property seized includes but is not limited to:

- iPhone with black case;
- Seagate external hard drive;
- Samsung Galaxy Note;

- Nook Tablet;
- Amazon Tablet;
- HP Laptop
- Geek Squad USB Drive;
- Glock Model 22 Caliber .40 Serial Number TUP742;
- Smith and Wesson Model M & P9 Caliber 9mm Serial Number HDD9478;
- 7 Rounds 9mm Ammunition

“Subject Property”

5. On June 25, 2021, the Court accepted the Defendant’s plea of guilty to Count One and adjudged him guilty. At sentencing, the Defendant agreed to the forfeiture of all items listed as the Subject Property above. Dkt.60.

6. On June 25, 2021, as part of the Defendant’s sentence, the Court ordered that the Defendant’s interest in the Subject Property, be forfeited to the United States. Dkt. 61.

7. Under 18 U.S.C. § 2253, forfeiture of property involved in any of the offenses specified therein is mandatory upon a Defendant’s conviction.

8. Federal Rule of Criminal Procedure 32.2(b) provides that as soon as practicable after accepting a plea of guilty, or a finding of guilt by a jury, the Court shall determine what property is subject to forfeiture and promptly enter a preliminary order of forfeiture directing the forfeiture of specific property without regard to any third party’s interest in all or part of it.

9. Upon issuance of a Preliminary Order of Forfeiture, the United States, pursuant to 21 U.S.C. § 853(n), as incorporated by 18 U.S.C. § 2253(b), will post notice of the Court’s Order and the United States’ intent to dispose of the Subject Property described above, and will provide notice directly to any third parties known to have alleged an interest in this Subject Property.

WHEREFORE, the United States respectfully requests that this Court enter a Preliminary Order of Forfeiture forfeiting Daniel Howard's interest in the Subject Property, to the United States, and ordering the United States to seize the Subject Property and dispose of it in accordance with the law.

Respectfully submitted,

JOHN E. CHILDRESS
Acting United States Attorney

By: s/ Kristina Korobov
Kristina Korobov
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2021 a copy of the foregoing Motion for Preliminary Order of Forfeiture was filed electronically. Service of this filing will be made on all ECF-registered counsel by operation of the court's electronic filing system. Parties may access this filing through the court's system.

s/ Kristina Korobov
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